

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD  
CENTRAL PUGET SOUND REGION  
STATE OF WASHINGTON

CITY OF WOODINVILLE and NEIGHBORS  
TO SAVE WELLINGTON PARK,

Petitioners,

v.

SNOHOMISH COUNTY,

Respondent.

Case No. 15-3-0016c

**ORDER DENYING MOTION FOR  
RECONSIDERATION AND TO  
SUPPLEMENT THE RECORD**

This matter came before the Board on Petitioners' Joint Motion for Reconsideration and to Supplement the Record, filed June 6, 2016. This Motion for Reconsideration arises from the Board's Final Decision and Order (FDO) issued on May 26, 2016. A motion for reconsideration of a final decision of the Board is governed by WAC 242-03-830. WAC 242-03-830(2) provides that a motion for reconsideration shall be based on at least one of the following grounds:

- (a) Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration; or
- (b) Irregularity in the hearing before the board by which such party was prevented from having a fair hearing.

The parties assert that the Board should reconsider its May 26, 2016 FDO because Petitioners were unaware that the park might be sold to a school during the public review process for the Comprehensive Plan update and therefore did not have a reason to challenge the school siting policies.

**I. DISCUSSION**

Petitioners base their motion for reconsideration on the assumption that Footnote 54 of the Board's FDO suggests that Petitioners might have prevailed had they appealed the

school siting policies contained in the Snohomish County Comprehensive Plan.<sup>1</sup> Petitioners misconstrue the Board's footnote. Footnote 54 reads:

The County's school siting policies are not at issue in this case. Had there been a challenge to the County's comprehensive plan update alleging that its school siting policies were not in compliance with the multi-county planning policies (MPPs) of Vision 2040, the Board might have had more to say. See, *Summit-Waller, et al. v. Pierce County*, Final Decision and Order, GMHB Case No. 15-3-0010c and Order Finding Continuing Non-Compliance in coordinated Case No. 12-3-0002c (May 9, 2016) at 38-53.

The footnote references a recent decision, *Summit-Waller v. Pierce County*, in which the County's amendment of its school siting policies was the challenged action. The footnote is included to distinguish the instant case, in which Petitioners alleged that the sale of the Wellington Hills property was inconsistent with the County's existing school siting policies although the GMA compliance of the school siting policies themselves was not at issue. Thus, the instant case did not address, and the Board did not decide, whether Snohomish County's school siting policies comply with GMA.

Because school siting policies were implicated in both cases, the Board included Footnote 54 in the FDO solely to clarify for the vast and avid readership of Board decisions what issues were decided in the respective cases. Further, footnote 54 is in no way intended as a practice tip for prevailing in this or any other case.

## II. ORDER

Based on the foregoing, the Motion for Reconsideration and to Supplement the Record is **denied**.

Entered this 13th day of June, 2016.

Cheryl Pflug, Board Member

<sup>1</sup> Joint Motion at 1, 4.

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2 Margaret Pageler, Board Member

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5 Nina Carter, Board Member

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7 **Note: This is a final decision and order of the Growth Management Hearings Board**  
8 **issued pursuant to RCW 36.70A.300.<sup>2</sup>**  
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31 <sup>2</sup> A party aggrieved by a final decision of the Board may appeal the decision to Superior Court within thirty  
32 days as provided in RCW 34.05.514 or 36.01.050. The petition for review of a final decision of the board shall  
be served on the board but it is not necessary to name the board as a party. See RCW 36.70A.300(5) and  
WAC 242-03-970. It is incumbent upon the parties to review all applicable statutes and rules. The staff of the  
Growth Management Hearings Board is not authorized to provide legal advice.